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10/709,500	05/10/2004	Michael Kapolka	03-089-B1	3499
20306 7590 09/27/2007 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER MEJIA, ANTHONY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/709,500

Applicant(s)

KAPOLKA ET AL.

Examiner

Anthony Mejia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 04/10/07.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. The applicant claims that this application is a division claiming the benefit of the commonly_assigned, co-pending US Patent Application No. 10/091,096, filed 3/4/02 entitled "Remote Monitoring, Configuring, Programming and Diagnostic System and Method for Vehicles and Vehicle Components" to Kapolka et al. For the examination of this application, the application will be treated as a continuation-in-part, and not be treated as a division of Application No.10/091,096 filed 3/4/02. This application repeats a substantial disclosure/written description portion of prior Application No.10/091096, filed 5/10/04. However, it adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it constitutes as a continuation-in-part of the prior application.

Information Disclosure Statement

2. The information disclosure statement filed 5/10/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The applicants did not include legible copies for items 95 thru 108 under the Foreign Patent Documents on form PTO-1449.

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3. The information disclosure statement filed 5/10/04 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The applicant fails to provide (4) a column that provides a blank space next to each document to be considered, for the examiner's initials. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

4. The abstract of the disclosure is objected to because improper language used by the applicant. Correction is required. See MPEP § 608.01(b). The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The applicant demonstrated this deficiency in line 6 of the abstract, "...a plurality of modular applications, each application having an associated function

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that processes the data corresponding to *said* at least one vehicle...". The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claims 45, 47, 52, 54-55, 68, and 70** are rejected 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **Claims 45, 47, and 68**: the phrase "dynamic-delivery policies" in the limitation for the basis of the selection of the transport module in the communication framework, is a relative term which renders the claim indefinite and/or has not been defined in accordance 37 CFR 1.75(d), MPEP § 608.01(i), § 608.01(o), and §1302.01. The specification does not provide the standard of ascertaining the requisite degree of the dynamic-delivery policies and/or one of the ordinary skilled in the art would not be reasonably apprised of the scope of this limitation. For the purposes of examination the broadest reasonable interpretation to the claimed language will be applied.

Regarding **Claim 52**, lines 3 and 4: "*providing a computer* including an

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application program and a communication framework” is a relative term which renders the claim indefinite and/or has not been defined in accordance 37 CFR 1.75(d), MPEP § 608.01(i), § 608.01(o), and §1302.01. The applicant stated that a computer including an application would be provided to the user which is consider to be indefinite because the specifications does not redefine how a computer with an application program be provided to the user. For the purposes of this examination, it will be considered that the user would use a computer that includes at least one application program that is able to dispatch a message to the communication framework. Also, in lines 5 and 6: “processing the message in the communication framework to select at least one of the plurality of transport modules based on *dynamic-delivery processes*, each of the plurality of...” is a relative term which renders the claim indefinite and/or has not been defined in accordance 37 CFR 1.75(d), MPEP § 608.01(i), § 608.01(o), and §1302.01. The specification does not provide the standard of ascertaining the requisite degree of the dynamic-delivery processes and/or one of the ordinary skilled in the art would not be reasonably apprised of the scope of this limitation. For the purposes of examination the broadest reasonable interpretation to the claimed language will be applied.

Regarding **Claims 54-55 and 70**: the phrases: “low cost network” and “higher-cost network”. The relative terms, which renders the claim are indefinite and/or has not been defined in accordance 37 CFR 1.75(d), MPEP § 608.01(i), § 608.01(o), and §1302.01. The specification does not provide the standard of

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ascertaining the limitations to the costs and/or one of the ordinary skilled in the art would not be reasonably apprised of the scope of this limitation. For the purposes of examination the broadest reasonable interpretation to the claimed language will be applied.

Claim Rejections - 35 USC § 102

7. The following is a quotation of 35 U.S.C. 102 (e):

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims **45-47, 49, 51-52, 65-68, 71 and 77-78** are rejected under 35 U.S.C. 102(e) as being anticipated by Martin, JR. et al. (US 2003/0055912) (referred hereafter as Martin).

Regarding **Claim 45**, Martin teaches a system comprising:

at least one application program operable to originate (send to) to and terminate from (receive from) a target unit (destination location) [see par 0016 and 0013] via at least one of a plurality of networks (e.g., 606 and 614 of Fig. 6);

at least one transport module (network transport (e.g. bearer)) for exchanging (communicating) with the target unit the electronic messages originated to and terminated from the at least one application program [0031]), the at least one transport module adapted to provide connectivity [0051] to the

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target unit via at least one of a plurality of networks [0044-0045]; and

a communication framework (selection engine 352 of Fig.3C) adapted to select (step 314 of Fig. 3A) one of the at least one transport module [0051] based on dynamic-delivery policies (rules e.g. availability) [0006 and 0058-0061], and in turn, to pass between the selected at least one transport module and the application program the electronic messages originated to and terminated from the target unit [0004 and 0031].

Regarding **Claim 46**, Martin further teaches wherein the at least one application program specifies delivery parameters for carrying out (communicating) the electronic messages with the target unit [0009].

Regarding **Claim 47**, Martin further teaches wherein each of the plurality of networks is of a different communication format (data/communication) type [0038-0040] wherein each of the at least one transport module abstracts (contains) parameters (network characteristics) [0035] indicative of one of the different communication format types [0038-0040] to provide connectivity to the target unit via at least one of the plurality of networks [0051], and

wherein when the communication framework selects one of the at least one transport module of a given communication format type (steps 314 of Fig. 3A) based on dynamic-delivery policies [0006 and 0058-0061] it passes between the selected one of the at least one transport module and the application program the electronic messages originated to and terminate from the target unit according to the communication format corresponding to the given communication format type [0004 and 0031].

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Regarding **Claim 49**, Martin further teaches wherein the communication framework is adapted to determine which of the plurality of networks communications are available [0045] to the target, and wherein the communication framework is adapted to select the one or more of the plurality of transport modules that corresponds to the plurality of networks that are available to the target [0058-0061].

Regarding **Claim 51**, Martin further teaches wherein the at least one of the plurality of networks is a wireless network [0010 and network A on Fig.1]).

Regarding **Claim 52**, Martin further teaches effectuating messaging between a computer (e.g. wireless mobile device 102 of Fig. 1) and a target unit [0015, and 0037], the method comprising:

- a computer including an application program and a communication framework (Fig. 3C and 0058);

- dispatching (sending) the message from the application program to the communication framework [0016 and 0058-0061];

- processing the message in the communication framework to select at least one of a plurality of transport modules based on dynamic-delivery processes [0040], each of the plurality of transport modules being configured to connect to a respective one of a plurality of networks to establish messaging across the respective one of the plurality of networks [Fig. 3C and 0058-0061];

- and dispatching the message across a respective one of the networks to the target unit via the selected at least one of the plurality of transport modules [0058-0061];

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Regarding **Claim 65**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 51 above, same rationale of rejection is applicable.

Regarding **Claim 66**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 51 above, same rationale of rejection is applicable.

Regarding **Claim 67**, Martin further teaches effectuating messaging between a first unit (mobile device that has e.g., SMSC) [0081] and a second unit (any computer, e.g., remote server, GGSN, Gateway GPRS Support Node).

providing the first unit including a first plurality of application programs [0085] and a first communication framework, the first communication framework adapted to provide messaging capabilities for each of the first plurality of application programs [0058-0061];

providing the second unit including a second plurality of application programs and a second communication framework adapted to provide messaging capabilities for each of the second plurality of application programs [0085];

dispatching a message from one of the first application programs to the first communication framework (Fig.1);

processing the message with the first communication framework (Fig.1);

dispatching the message from the first communication framework to the second communication framework via a network (Fig.1);

processing the message with the second communication framework; and

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dispatching the message to one of the second application programs (Fig.1).

Regarding **Claim 68**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 52 above, same rationale of rejection is applicable.

Regarding **Claim 71**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 49 above, same rationale of rejection is applicable.

Regarding **Claim 77**, formatting the message for the one of the second plurality of application programs (e.g., SMSC to GGSN) [0040] including protocol conversion, i.e. formatting see 0083].

Regarding **Claim 78**, Martin further teaches a computer system (e.g., mobile phone, a Personal Digital Assistant (PDA), or a portable general purpose computer, [0084]) comprising:

an application program means [0084];

a plurality of transport module means for connecting to a respective one of a plurality of networks the plurality of network means for providing a transport medium ([0016]) for sending and receiving electronic messaging to a target unit [0058-0061]; and

a communication framework means (selection engine 352 of Fig.3C adapted to select step 314 of Fig. 3A one of the at least one transport module 0051] based on dynamic-delivery policies (rules e.g. availability) [0006 and 0058-0061] for selecting one of the transport module means based on dynamic-delivery policies ([0058-0061]).

Claim Rejection under 35 U.S.C §103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 48, 53, 59-60, 62, 73-74, and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Iren et al. (The Transport Layer: Tutorial and Survey) (Iren hereafter)

Regarding **Claim 48**, Martin does not explicitly disclose wherein the above mentioned communication framework, particularly includes a multi-part message manager adapted to disassemble messages from the above-mentioned application program and reassemble incoming messages received across one of the above-mentioned plurality of networks from the target unit.

However, Iren teaches wherein the communication framework includes a multi-part message manager (transport receiver within the transport layer of the Open Systems Interconnection) adapted to disassemble (segmented) messages (data units) from the application program and reassemble incoming messages received across one of the networks from the target unit (receiver) (section 4.10 on page 385).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in combining the teachings, to modify Martin's invention by including the disassembling and reassembling of the messages as taught by Iren to help reduce risk in the network and increase the flexibility in the quality of service in respect to the network connections. One of ordinary skill of the art at that time, would have been motivated to utilize the teachings of Martin and Iren to help the data flow of the messages in the network.

Regarding **Claim 53**, the combine teachings of Martin/Iren teach identifying a priority assigned to the message by the application program; and selecting the transport module based on the priority assigned by the application program [Iren: section 3.5 of page 371].

Regarding **Claim 59**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 48 above, same rationale of rejection is applicable.

Regarding **Claim 60**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 48 above, same rationale of rejection is applicable.

Regarding **Claim 62**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 48 above, same rationale of rejection is applicable.

Regarding **Claim 73**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 53 above, same rationale of rejection is applicable.

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Regarding **Claim 74**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 48 above, same rationale of rejection is applicable.

Regarding **Claim 79**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 48 above, same rationale of rejection is applicable.

11. Claims **50,56-58,61,64,72,76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Iren in further view of Kring et al. (2003/0105825) (referred here after as Kring).

Regarding **Claim 50**, Martin and Iren does not exclusively disclose wherein the communication framework includes a message storage manager adapted to store the message until the message has been successfully transferred or delivered.

However, Kring discloses wherein the communication framework includes a message storage manager (i.e. storage module, [0011]) adapted to store the message until the message has been successfully transferred or delivered (i.e. processing decision, [0011 see claims 19, par 0011, 0029-30, and 0057]). Although Kring uses a cache device for temporarily storing the message, Kring emphasizes that the message cache could be substituted by a database, file, and/or suitable memory. Also, that the memory has suitable storage size to carry

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out aspects of the invention. ([0011,0029-30, and 0057])

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Martin/Iren and Kring, based on the desirability of Martin/Iren being able to control the network and the messages that pass thru the connections. One of ordinary skill of the art at the time the invention was made, would have been motivated to utilize the teachings of Martin/Iren and Kring to help secure and organize messages in an organized manner, for proper sequential and priority processing.

Regarding **Claim 56**, Martin/Iren do not explicitly teach the method further comprising: batching the message with a plurality of other messages when the priority of the message is batch priority; and dispatching the message in the dispatching step when a predetermined number of the other messages are batched with the message.

However, Kring teaches dispatching the message in the dispatching step when a predetermined number (i.e., processing to hold the data and order the data in a predefined matter) of the other messages are batched (i.e. queued) with the message. The queues can perform a variety of functions, which include prioritizing one or more messages ([0058]). Batching to one ordinary skilled in the art means to automate a group of tasks in a certain order, a queue means to automate a group of things, such as tasks, in a sequential order. Therefore, for the purpose of this examination, the definition of batching would be considered to

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be equal to the definition of a queue.

It would have been obvious to one of ordinary skill in the art at the time the invention was made given Martin's desirability of having flexibility in the quality of service provided with respect to the network connections by prioritizing the messages, to modify the teachings of Martin with the teachings taught by Kring, to help automate the messages in an effective sequential order, and help minimize latency.

Regarding **Claim 57**, Martin discloses wherein determining which of the plurality of network are available [0045] to the target unit; and selecting at least one of the plurality of transport modules in the processing step that corresponds to one of the available networks [0058-0061].

Regarding **Claim 58**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 50 above, same rationale of rejection is applicable.

Regarding **Claim 61**, Kring further teaches that the policy manager comprising maintains a record (i.e., table) of what portion of the plurality of chunks (pieces of parsed data stored as metadata, which has been sent to the target unit. The source of messages can be a network or the like. The messages are parsed to generate metadata such as the name of user the message is addressed to, delivery criteria such as message criticality or expiration date, the address of the entity that sent the message, or information about the content of the message, which is stored into a table. Message metadata also contain an identification of what message store contains the message and a way for identifying the

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message in that message store's message cache ([0030-0034], and Table on page 4).

Regarding **Claim 64**, Kring discloses the assigning an order (i.e., sequence number) to the message, by the application program, with respect to at least one other message to form a plurality of prioritized messages in a priority order (i.e. sequence number [0030] table pg.4);

Maintaining the message in the communication framework until all of the plurality of dispatching each of the prioritized messages according to the priority order (i.e., sequence number) ([0030] and table pg.4).

Kring further teaches that the policy manager performs in a selected manner to monitor and process messages. Incoming messages are received by the input handler, which is coupled to a source of messages. The source of messages can be a network or the like. The messages are parsed to generate metadata such as the name of user the message is addressed to, delivery criteria such as message criticality or expiration date, the address of the entity that sent the message, or information about the content of the message. ([0030])

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to combine the teachings of Martin and Kring, to assign order to the flow of the messages. One of ordinary skill of the art at that time would have been motivated to utilize the teachings of Martin and Kring to help satisfy the priority needs of the system.

Regarding **Claim 72**, this method claim comprises limitation(s) substantially the

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same, as those discussed on claim 50 above, same rationale of rejection is applicable.

Regarding **Claim 76**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 64 above, same rationale of rejection is applicable.

12. **Claims 63 and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Iren, in view of Kring in further view of Paul et al. in Reliable Multicast Transport Protocol (referred hereafter as Paul).

Regarding **Claim 63**, the combined teachings mentioned above do not explicitly disclose the method further comprising the determining if the message is to be sent using reliable delivery in the step of processing the message;

dispatching the message without requiring an acknowledgement when the message is to be sent using non-reliable delivery; and

requiring an acknowledgement from the target unit to verify receipt of message after the dispatching step when the message is to be sent using reliable delivery.

However, Paul teaches the determining if the message is to be sent using reliable delivery (RMTP found in the Transport Layer of the Open Systems Interconnection (OSI) model in the step of processing the message);

dispatching (sending) the message without requiring (knowing) an acknowledgement (identity) when the message is to be sent using non-reliable

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delivery; and

requiring an acknowledgement (identity) from the target unit (receivers) to verify receipt of the message after the dispatching step when the message is to be sent using reliable delivery.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Martin and Paul before them at the time the invention was created, to modify Martin's invention by including reliability or a reliability protocol of the messages being sent and received as taught by Paul to help improve reliability in the network. One of ordinary skill of the art at that time would have been motivated to utilize the teachings of Martin and Paul to help provide a more safe and reliable network for the users.

Regarding **Claim 75**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 63 above, same rationale of rejection is applicable.

Claims 54-55, 69, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Iren, in further view of Kung et al. (US 6,775,267) (Referred hereafter as Kung).

Regarding **Claim 54**, Martin/Iren do not explicitly disclose wherein the step of processing the message further comprises:

selecting at least one transport module corresponding to a reliable network when the priority of the message is

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high; and

selecting at least one transport module corresponding to a low cost network when the priority of the message is low.

However, Kung teaches wherein the step of processing the message further comprises:

selecting (i.e., providing alternative network selection means) at least one transport module corresponding to a reliable network when the priority (i.e., alternative network paths in priority order by quality of service or by cost of connection, and determining least cost alternative network resources available for achieving the communication at the default quality of service and the required bit rate ((Kung: Col.2, Lines 40-46)) of the message is

high; and

selecting at least one transport module corresponding to a low cost network when the priority of the message is low.

Kung further teaches a least-cost routing manager (i.e., least-cost server (LCS) Col.9 and lines 55-60) that was enclosed by the applicant in the specifications, in which the least-cost routing manager maybe variously configured to enable the system to determine alternative routes available for communication and the least cost routing for data transmission throughout the network. (Col.9 and Lines. 55-60). It would have been obvious to one of the ordinary skill in the art in combining the teachings of Martin/Iren and Kung before them at the time the invention was created, based on Martin's desirability of minimizing costs. One of ordinary skill of the art at that time, would have been

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motivated to utilize the teachings of Martin/Iren's to enhance in the determining of the least-cost alternative route of a message in a network based on it's priority or to help minimize costs to the user.

Regarding **Claim 55**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 54 above, same rationale of rejection is applicable.

Regarding **Claim 69**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 54 above, same rationale of rejection is applicable.

Regarding **Claim 70**, this method claim comprises limitation(s) substantially the same, as those discussed on claim 54 above, same rationale of rejection is applicable.

Claim 80, is rejected under 35 U.S.C.103 (a) as being unpatentable over Martin in view of Applicant's Admitted Prior Art (referred hereafter as AAPA).

Regarding **Claim 80**, Martin discloses wherein at least one application program (i.e., application, [0016]) operable to originate (i.e., send to, [0016]) to and terminate from (i.e., receive, [0016]) a target unit (i.e., destination location, [0031]) via at least one of a plurality of networks (e.g., 606 and 614 of Fig.6, [0004]);

at least one transport module (i.e., network transport, [0009]) for exchanging with the target unit the electronic messages originated to and

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terminated from the at least one application program ([0031]), the at least one transport module adapted to provide ([0051]) connectivity to the target unit via at least one of a plurality of networks (0044-0045); and

a communication framework ([352 of Fig.3C]) adapted to select (i.e., selection of network transport [0009, 0051, step 314 of Fig.3A]) one of the at least one transport module based on dynamic-delivery policies (i.e., set of rules [0006,0059 and e.g., availability, See ([0058-0061]))], and in turn, to pass between the selected at least one transport module and the application program the electronic messages (i.e., messages [0004]) originated to and terminated from the target unit (i.e., destination location, [0031]). However, Martin does not explicitly disclose wherein the system is operable to monitor, configure, program, and/or diagnosis at least one vehicle, and where in the system further comprises: a plurality of modular applications, each application having an associated function the data corresponding to said at least one vehicle operating characteristic obtained via the target unit; and

an interface that allows selection among the plurality of modular applications to create a customized system.

AAPA teaches the system limitations wherein the system is operable to monitor, configure, program, and/or diagnosis at least one vehicle, and where in the system further comprises: a plurality of modular applications, each application having an associated function the data corresponding to said at least one vehicle operating characteristic obtained via the target unit (paragraphs [0003]); and

an interface that allows selection among the plurality of modular

applications to create a customized system. (Paragraph [0003])

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the teachings of Martin and AAPA to provide all the features in the system to make them available and efficient to the user of the system. One of ordinary skill of the art at that time, would have been motivated to utilize the teachings of Martin and AAPA, to allow a user to freely navigate the application programs on their wireless communication device and have access to full use of the system effectively based on their needs.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kring et al. (2003/0105825) discloses a novel policy manager and a method for such manager.
- b. Kung et al. (US 6,775,267) discloses a method of billing a variable bit rate communication between a first terminal to a broadband subscriber. It determines the least cost alternative network.
- c. Iren et al. (The Transport Layer: Tutorial and Survey) discloses the 4th layer of the Open Systems Interconnection (OSI) model of a network.
- d. Paul et al. (Reliable Multicast Transport Protocol) discloses an efficient way of disseminating data from a sender to a group of receivers using a protocol.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mejia whose telephone number is 571-270-3630. The examiner can normally be reached on Mon-Thur 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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